

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 25, 2002

DIVISION ONE

B144250 Cervantes (Not for Publication)

V.
Nippon Express Co., LTD, et al.

The judgment is affirmed. Nippon is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B150314 Biello (Not for Publication)

v.
Weinman

The judgment is affirmed. Weinman is awarded her costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B149231 People (Not for Publication)

v.
Torres

The judgment is affirmed.

Rico, J. (Assigned)

We concur: Ortega, Acting P.J.
Mallano, J.

July 25, 2002-(Continued)

DIVISION ONE (Continued)

B156489 People (Not for Publication)
v.
Lee

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Rico, J. (Assigned)

B150280 Hubbard (Not for Publication)
v.
Fischel

The judgment is affirmed. Hubbard is entitled to his costs on appeal.

Ortega, Acting P.J.

We concur: Mallano, J.
 Rico, J. (Assigned)

DIVISION TWO

Court convened at 9:00 AM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B152495	People v. Andrade
B152717	People v. Scott
B144159	People v. Shabazz
B153739	People v. Archuleta
B153449	People v. Feaster
B154144	People v. Carroll
B152338	In re Leslie R., D.C.F.S. v. Martin R.
B156289	In re Kimiesha A., D.C.F.S. v. Kimberly B.

Argument waived, cause submitted.

DIVISION TWO (Continued)

B155386 White
 v.
 Anderson

Merits:
Argued by Phillip Boesch for appellants and by David Nelson for respondent. Cause submitted.

B154169 People
 v.
 Bernal

Merits:
Argued by Jessica Goulden for appellant and by Barry King for respondent. Cause submitted.

B154293 Perelman
 v.
 Deul

Merits:
Argued by Vincent Chan for appellant and by Cynthia Rubin for respondent. Cause submitted.

B149685 Doverwood Townhomes Owners Association
 v.
 McMullen

Merits:
Argued by Don Haycock for appellant and by Timothy Dallinger for respondent. Cause submitted.

B151336 Patterson
 v.
 Los Angeles Unified School District

Merits:
Argued by Richard Tanzer for appellant and by Kathleen Collins for respondent. Cause submitted.

DIVISION TWO (Continued)

B149154 Estate of Earl Gaines Sr.
 v.
 Gillette

Merits:

Argued by Timonty Hummel for respondent and by Dennis Vann for appellant. Cause submitted.

Boren, P.J. leaves bench.

B146957 Hidalgo
 v.
 Chrome Crankshaft Company

Merits:

Argued by Steven Shuman for appellant and by Richard Morrissey for respondent. Cause submitted.

B154909 Darlene Noble
 v.
 Edward Noble
 Wellness Innovations Corporation, et al.

Merits:

Argued by Darlene Noble for appellant and no appearance by respondent Wellness Innovations Corporation, et al., and no brief filed by respondent Edward Noble. Cause submitted.

Court in recess

Court reconvened at 12:45 PM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

DIVISION TWO (Continued)

B153042 People
 v.
 Ortega

Merits:
Argued by Joanna McKim for appellant and by Laura Hartquist for respondent. Cause submitted.

B149982 People
 v.
 Contreras

Merits:
Argued by Katharine Greenebaum for appellant and by Beverly Falk for respondent. Cause submitted.

B150221 Amirian
 v.
 Son Suk An

Merits:
Argued by Michael Hecker for appellant and by Erica Kim for respondent. Cause submitted.

B151231 Wang
 v.
 Sony Electronics

Merits:
Argued by Roxanne Huddleston for appellant and by Robert Feinstein for respondent. Cause submitted.

B150492 Chermak
 v.
 Trillium Sports Medicine, et al.

Merits:
Argued by Bonnie Chermak for appellant and by Edward Stark for respondents. Cause submitted.

DIVISION TWO (Continued)

B150736 McCormick, et al.

v.

Reddi Brake Supply Corporation, et al.

Richard Fine

Merits:

Argued by Richard Fine for appellant and by John Case and Paul Collins for respondents. Cause submitted.

Court adjourned.

B136083 Pasternak

v.

Boutris

Escrow Agents' Fidelity Corporation

Filed order denying petition for rehearing.

B158166 Charles Ligeti Co., Inc.

v.

Ernie Goldberger & Co., et al.

B158435 Charles Ligeti Co., Inc.

v.

Ernie Goldberger & Co., et al.

Filed order consolidating above captioned appeals.

DIVISION FOUR

B148760 People

(Not for Publication)

v.

Daniel William Frazier

The judgment is reversed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION FOUR (Continued)

B154347 People (Not for Publication)
v.
Saldana

The judgment is reversed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B154363 Goldsmith (Not for Publication)
v.
Athans III

The order denying attorney fees is reversed and the trial court is directed to vacated its earlier order and grant appellant's motion to declare appellant the prevailing party on the action on the contract and to award attorney fees pursuant to section 1717. Appellant is awarded costs and attorney fees on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B147576 Z Auction (Not for Publication)
v.
Salomon Smith Barney, Inc. et al.

The judgment is reversed as to the sustaining of the demurrer to the 9th, 10th, 11th, 12th, 13th and 14th causes of action. It is affirmed in all other respects. Each party is to bear its costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

B151335 Kouleyan (Not for Publication)
v.
Bahlounian

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B148822 Fire Insurance Exchange (Not for Publication)
v.
Hyman, Jr.

The judgment is affirmed. Respondent(s) to recover costs.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B148862 Conner (Not for Publication)
v.
Raytheon Systems Company et al.

The judgment is affirmed. The appeal from the order awarding sanctions is dismissed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B153207 Ellis (Not for Publication)
v.
Ellis

The appeal is dismissed. Let a peremptory writ of mandate issue, directing the trial court to vacate its order of July 12, 2001, and enter a new and different order finding that there is no community interest in Harold's health insurance subsidy benefits. Costs are awarded to Harold pursuant to rules 26(a)(1) and 56.4, California Rules of Court.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B153218 Riley, et al. (Certified for Publication)
v.
Hilton Hotels Corporation et al.

The judgment is reversed. The cause is remanded to the trial court for further proceedings. Plaintiffs are to have their costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

B156220 Adamany, Jr. (Not for Publication)

v.

Superior Court, Los Angeles County
(Alagem et al., r.p.i.)

The petition for writ of mandate is granted and the trial court is directed to vacate its order granting the petition to arbitrate and to issue a new and different order denying the petition to arbitrate, unless, within 30 days of the filing of this opinion, real parties in interest file written confirmation with the trial court agreeing to bear the costs of the arbitration in accordance with *Armendariz, supra*, 24 Cal.4th at pages 110-111, including, in particular, payment of fees and costs of the arbitration. The parties are to bear their own costs in this writ proceeding.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B149733 People (Not for Publication)

v.

Joudeh

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B154474 People (Not for Publication)

v.

Scott

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FIVE

B151467 People (Not for Publication)
v.
Kenneth Anderson

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

B151014 People (Not for Publication)
v.
Manuel Solis

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

B152891 People (Certified for Publication)
v.
Brian Washington

The judgment is affirmed.

Grignon, J.

I concur: Turner, P.J.
I dissent Mosk, J. (Opinion)

DIVISION FIVE (Continued)

B155065 Edmond Galoostian, et al. (Not for Publication)
v.
Carlo Dupone, Jr.

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B152270 People (Not for Publication)
v.
Arturo M.

The case is remanded for the juvenile court to exercise its discretion and expressly declare whether counts one and four are felonies or misdemeanors. If one or both counts are declared misdemeanors, the juvenile court shall recalculate the maximum period of confinement if necessary. The juvenile court shall also give defendant credit for 43 days of predisposition credit from June 15, 2001, through July 27, 2001. In all other respects, the judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B151927 People (Not for Publication)
v.
Alberto Gonzales

The judgment of conviction for false imprisonment (County Five, Pen. Code 236) is reversed. In all other respects, the judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B149553 People (Not for Publication)
v.
Robert Butterfield

The judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B151148 People (Not for Publication)
v.
Martin H.

The judgment is reversed.

Mosk, J.

I concur: Armstrong, J.
I dissent: Grignon, Acting P.J. (Opinion)

DIVISION SIX

B148331 Vitalijus Karalius, et al. (Not for Publication)
v.
Barbara Jean Wyatt

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

July 25, 2002-(Continued)

DIVISION SEVEN

B147751 People (Not for Publication)
v.
Mwasi

The judgment is affirmed.

Woods, J.

I concur: Lillie, P.J.
I dissent: Johnson, J. (Opinion)